

## REMARKS

Upon entry of the present amendment, Claims 1-2, 8-11, 13, and 19 remain in the application. Claims 3-7, 14-15, 18, 20, and 21 have been cancelled.

The above-identified Office Action has been reviewed and the references carefully considered. In view thereof the present amendment is submitted. It is contended that by the present amendment all bases of rejection, as set forth in the Office Action, are traversed and overcome or alternately, the issues have been simplified for purposes of possible appeal. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

In order to expedite the prosecution of this application the claims have been amended herein to clearly define the invention as a resistance welding electrode prepared by thixomolding or semi-solid molding wherein the powder metal is a mixture of dispersion strengthened and copper and/or a hyper-nucleated copper metal matrix in admixture with silver.

Simply stated, it is submitted that none of the references, whether taken singly or in combination teach, disclose or suggest the present invention.

Furthermore, for the reasons shown hereinafter, it is believed that negating the patentability of these claims is predicated upon reconstructive hindsight.

In reviewing the Office Action of January 10, 2005, it was noted that those claims which are directed to the use of silver were rejected on Applicant's prior patent, to wit, U.S. Patent No. 5,041,711. However, a review of that patent shows that the sintering alloy is not silver but, rather, a silver-tungsten alloy. Furthermore, nothing in the *Prucher* reference even remotely suggests the utilization of elemental metal powder, as opposed to a powder alloy. Furthermore, the reference is silent with respect to the applicability of the elemental powder metal in conjoint

use with dispersion strengthened copper and the hyper-nucleated metal matrix.

It is submitted that to construct *Prucher* '711 as teaching elemental silver is nothing more than using reconstructive hindsight herein. The present application is the only disclosure of the use of elemental powder silver for use in preparing a resistance welding electrode by thixomolding.


The Office Action shows clearly that none of the references disclose the use of silver. The Examiner concedes that neither *Shimamura* or *Nadkarni* teach thixomolding or the use of silver in the sinter. Thus, none of the references, whether viewed singly or in combination, teach the use of elemental powdered silver.

### CONCLUSION

Accordingly, in view of what has been set forth herein, it is submitted that by this amendment absent more pertinent art the application has now been placed in condition for allowance and/or the issues have been simplified for purposes of possible appeal. Accordingly, reconsideration and withdrawal of the rejection and/or entry of this amendment for purposes of possible appeal is respectfully requested.

If the Examiner feels that the prosecution of this application can be expedited, then he is courteously requested to place a telephone call to Applicant's attorney at the number listed below.

Respectfully submitted,

  
Arnold S. Weintraub, Reg. 25523  
The Weintraub Group, P.L.C.  
32000 Northwestern Highway, Suite 240  
Farmington Hills, MI 48334  
(248) 865-9430

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